

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States District Court
Southern District of Texas
FILED

JUL 19 2013

United States of America
v.
Itzel Berenice PENALOZA-Perez, 1993
Mexican NationalDavid J. Bradley, Clerk
Case No. *M-13-1314-M**Defendant*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 07/18/2013 in the county of Hidalgo in the Southern District of
Texas, the defendant violated Title 21 U. S. C. § 841&952
, an offense described as follows:defendant did knowingly and intentionally posses with the intent to distribute and did knowingly and intentionally
import from the United Mexican states into the United States approximately 20.6 kilograms of cocaine
a scheduled II controlled substance

This criminal complaint is based on these facts:

On July 18, 2013, Itzel Berenice PENALOZA-Perez (PENALOZA), a citizen of Mexico, applied for entry into the United
States (U.S.) at the Hidalgo, Texas Port of Entry (POE). PENALOZA was driving a red Ford Mustang bearing Mexican
license plate number 865TPV7. PENALOZA was accompanied by Mayela CONTRERAS, also a citizen of Mexico.
Customs and Border Protection Officer (CBPO) G. Hernandez encountered PENALOZA and CONTRERAS while☒ Continued on the attached sheet.

Complainant's signature

Nathan Brigmon, Special Agent HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 07/19/2013*8:28 a.m.*

Judge's signature

City and state:

McAllen, Texas

Peter Ormsby, US Magistrate Judge

Printed name and title

working inbound vehicular traffic at the Hidalgo, Texas (TX) POE.

PENALOZA and CONTRERAS told CBPO Hernandez that they were entering the U.S. to go shopping at the mall and flea market. Both individuals provided a negative declaration with regard to weapons and contraband. PENALOZA and CONTRERAS each declared \$200 U.S. currency. CBPO Hernandez queried related vehicle crossings and learned that PENALOZA made several recent trips into the U.S. of short duration (approximately two hours). CBPO Hernandez referred PENALOZA and CONTRERAS for a secondary inspection.

CPBO L. Gonzalez conducted the secondary inspection. PENALOZA and CONTRERAS provided CBPO Gonzalez with a negative declaration with regard to weapons and contraband. CBPO Gonzalez referred PENALOZA's vehicle to the Vehicle and Cargo Inspection System (VACIS) for a non-intrusive x-ray. During the VACIS examination, VACIS operator CBPO E. Jimenez observed anomalies in the vehicle's rocker panels that were consistent with contraband smuggling.

Following the VACIS examination, Border Patrol Agent (BPA) A. Foster conducted a canine inspection of PENALOZA's vehicle using his assigned service canine, Harry-E (NCF#120620). Canine Harry-E alerted and indicated to the rocker panels of PENALOZA's vehicle. CBPO Gonzalez notified Homeland Security Investigations (HSI) McAllen Special Agent (SA) N. Brigmon of the suspected smuggling event.

SA Brigmon responded to the Hidalgo POE and assisted CBPO Gonzalez and BPA Foster with a further search of the vehicle. Agents and officers located an after-market access panel to the rocker panels of the vehicle. After gaining entry to the rocker panel compartments, agents and officers discovered and removed 18 bundles, which were wrapped in a manner consistent with narcotics smuggling. The bundles contained a white, powdery substance which field-tested positive for cocaine. The 18 bundles had an aggregate weight of 20.6 kilograms.

SA Brigmon and CBPO D. Garcia conducted an interview with PENALOZA. CBPO Garcia assisted with Spanish translation throughout the interview. Prior to questioning, CBPO Garcia read PENALOZA the Miranda Warning in the Spanish language. PENALOZA advised that she understood her rights and voluntarily agreed to the interview.

During the interview, PENALOZA admitted that an individual (currently unidentified) she knew in Mexico offered to pay her \$1,000 for transporting drugs from Reynosa, Mexico into the U.S. using her Ford Mustang. PENALOZA agreed to the drug smuggling venture. On the evening of July 17, 2013, PENALOZA relinquished control of her vehicle to the aforementioned individual until the morning of July 18, 2013. PENALOZA received instructions to enter the U.S. and drive her drug laden vehicle to the mall in McAllen, TX where unidentified individuals would contact her.